



# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

ST. PAUL 55455

June 11, 1985

ADDRESS REPLY TO  
ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
ST. PAUL, MINN. 55455



Becky Comstock  
Dorsey & Whitney  
2200 First Bank Place East  
Minneapolis, MN 55402

HAND DELIVERED

Re: U.S. v. Reilly Tar & Chemical Corporation  
File No. Civ. 4-80-469

Dear Becky:

As Lisa Tiegel and Bill Sierks promised last week, we are enclosing for your review proposed revisions to subpart C.13 and part CC of the draft Consent Decree. You will note in our revision to subpart C.13 that we have organized the items into three groups, have consolidated some items, and deleted others. We can explain these changes when we meet next week but, in general, items were changed to give more accurate descriptions or were deleted because (1) they are part of another item included in the list, (2) they are not a "chemical analysis, field investigation or study," or (3) they are not in our document collection or are not described sufficiently to determine if they are in the document collection. In regard to this last grouping, we have omitted item S from page 16 of the May 24 draft of the Consent Decree (the "Accelerated Column Test" by Calgon) because we do not have a copy of that document. Would you please send us a copy. We have also omitted item T from the same draft while we locate a copy of that Work Plan.

We are awaiting a copy of the Reilly-St. Louis Park agreement for review and hope that all remaining matters among the four main parties can be worked out next week.

Very truly yours,

STEPHEN SHAKMAN  
Special Assistant  
Attorney General

SS:mah

Enclosure

cc: David Hird/Bill Sierks  
Elizabeth Thompson  
Robert Polack

C.

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13. Since 1969, a number of chemical analyses, field investigations, and studies relating to the site have been undertaken, including but not limited to the following:

(a) Reports

- (1) "Ground Water Investigation Program at St. Louis Park, MN", by E. A. Hickok & Associates, Inc., September, 1969.
- (2) "An Assemblage of Analytical Data Regarding the Reilly Tar & Chemical Property, St. Louis Park, Minnesota," by the St. Louis Park Health Department, August 1, 1972.
- (3) "Storm Water Study; Public Improvement #72-43 (Republic Creosote Area)", prepared by OSM Consulting Engineers, August 6, 1973.
- (4) "Geology of the St. Louis Park Area - A Review by the Minnesota Geological Survey; Report on Investigation of Municipal Water Supply, St. Louis Park", prepared by the Minnesota Department of Health, March 1974.
- (5) "Soil Investigation; Proposed Storm Sewer and Holding Ponds near Highway 7 and Louisiana Avenue, St. Louis Park", prepared by Soil Exploration Co., April 16, 1974.
- (6) "Hydrogeologic Study of the Republic Creosote Site", prepared by Gerald Sunde, Consulting Engineer, July, 1974.
- (7) "Report on Investigation of Phenol Problem in Private and Municipal Wells in St. Louis Park, Minnesota", prepared by Minnesota Department of Health, September, 1974.
- (8) "The History and Development of a Storm Sewer System for the City in the Area of the Former Republic Creosote Property", prepared by the City of St. Louis Park, November 15, 1974.

- (9) "Soil and Ground Water Investigation Coal Tar Distillation and Wood Preserving Site, St. Louis Park - Phase I Report", prepared by Barr Engineering Co., May, 1976.
- (10) "Stability Study of Para Benzo Quinone for the City of St. Louis Park", prepared by Sanitary Engineering Laboratories Inc. (SERCO), June 1976.
- (11) "Soil Contamination by Creosote Wastes," prepared by National Biocentric, Inc., November 1, 1976.
- (12) "Development Plan, Northern Portion, Oak Park Village", prepared by St. Louis Park, December 2, 1976.
- (13) "Soil and Ground Water Investigation Coal Tar Distillation and Wood Preserving Site, St. Louis Park - Phase II Report", prepared by Barr Engineering Co., June, 1977.
- (14) "Assessment of Possible Human Health Effects Resulting from Contamination of the Former Republic Creosote Site", prepared by the Minnesota Department of Health, October 1977.
- (15) "Soil Report; Prepared by Oak Park Village, St. Louis Park, Minnesota", prepared by Soil Testing Service of Minnesota, Inc., January 5, 1978.
- (16) "Report of Well Water Survey, St. Louis Park, Minnesota", prepared by Sanitary Engineering Laboratories, Inc. (SERCO) June-July, 1978.
- (17) "Health Implications of Polynuclear Aromatic Hydrocarbons in St. Louis Park Drinking Water", prepared by the Minnesota Department of Health, November, 1978.
- (18) "Status Report to the MPCA: Proposed Development, Oak Park Village", prepared by St. Louis Park, November 14, 1978.
- (19) "Water Quality Development in Oak Park Village", prepared by St. Louis Park, December 15, 1978.
- (20) "Summary Report on the City of St. Louis Park Activated Carbon Pilot Plant Study", prepared by Sanitary Engineering Laboratories, Inc. (SERCO), January 11, 1980.

- (21) "Preliminary Evaluation of Ground Water Contamination by Coal Tar Derivatives, St. Louis Park, MN", prepared by the United States Geological Survey, January, 1981.
- (22) "Report on Drinking Water Treatment and Remedy Evaluation for St. Louis Park, MN", prepared by Eugene A. Hickok and Associates, Inc., April, 1981.
- (23) "Study of Ground Water Contamination in St. Louis Park, MN", prepared by Eugene A. Hickok & Associates, et. al., November, 1981.
- (24) "Dispersion and Sorption of Hydrocarbons in Aquifer Material," by G. Cohn (thesis) University of Minnesota, 1982.
- (25) "Terminating An Endless Search: An Action Approach to Solving the Water Problem", prepared by St. Louis Park, January 11, 1982.
- (26) "Degradation of Phenolic Contaminants in Ground Water by Anaerobic Bacteria: St. Louis Park, MN", prepared by Erlich, Goerlitz, Godsy & Hult, United States Geological Survey, November, 1982.
- (27) "Evaluation of Groundwater Treatment and Water Supply Alternatives for St. Louis Park, MN", prepared by CH2M Hill, 1982-1983.
- (28) "Recommended Plan for a Comprehensive Solution of the Polynuclear Aromatic Hydrocarbon Contamination Problem in the St. Louis Park Area", prepared by Environmental Research & Technology, Inc. for Reilly Tar & Chemical Corporation, April 1983.
- (29) "Evaluation of Activated Carbon Treatment Alternative for Polynuclear Aromatic Hydrocarbon Removal for Groundwater in the St. Louis Park Area", prepared by Calgon Carbon Corp., November 18, 1983.
- (30) "Assessment of Groundwater Contamination by Coal Tar Derivatives, St. Louis Park Area, MN", prepared by M.F. Hult, United States Geological Survey, Open File Report 84-867, 1984.

- (31) "Ground-water Flow in Prairie du Chien - Jordan Aquifer Related to Contamination by Coal Tar Derivatives, St. Louis Park, MN", prepared by J.R. Stark and M.F. Hult, United States Geological Survey, 1985.
- (32) "Initial Results from the Accelerated Column Test of PAH Removal Performance for Activated Carbon Treatment of Water From SLP 15", prepared by Twin City Testing, January 11, 1985.
- (33) "Further Results From the Study of PAH Removal by Activated Carbon Treatment", prepared by Twin City Testing, January 30, 1985.
- (34) "Results of Analysis of Water From Three St. Peter Wells in St. Louis Park", prepared by Twin City Testing, January 31, 1985.
- (35) "Evaluation of Granular Activated Carbon for the Removal of Polynuclear Aromatic Hydrocarbons from Municipal Well Water in St. Louis Park, MN," prepared by Calgon Carbon Corporation, September 10, 1984.
- (36) "Sampling and Analysis Plan for Calgon Accelerated Column Testing of SLP 15 Water," prepared by Environmental Research & Technology, Inc., October 25, 1984.
- (37) "Predesign Memorandum Evaluation of Granular Activated Carbon System Alternatives For Removal of Polynuclear Aromatic Hydrocarbons From Municipal Well Water in St. Louis Park, Minnesota", prepared by Ch2M Hill, May 29, 1985.

(b) Minnesota Pollution Control Agency Board Items:

- (1) "Memorandum of Waste Disposal at Republic Creosote Co. and Reilly Tar & Chemical Co.," by Minnesota Pollution Control Agency, April 22, 1970.
- (2) "Memorandum on Groundwater Contamination, St. Louis Park, MN," by Minnesota Pollution Control Agency, November 19, 1974.

- (3) "Review of Recent Studies of Soil Contamination at the Former Republic Creosote Site - Recommendations to City's Proposed Development Plan," by Minnesota Pollution Control Agency, December 28, 1976.
  - (4) "Status Report: St. Louis Park Development," by the Minnesota Pollution Control Agency, December 18, 1974.
  - (5) "Request for Authorization to Negotiate and Enter into a Cooperative Agreement with the U.S. EPA to Obtain Funds for Additional Cleanup Work at the Reilly Tar Site, St. Louis Park," by the Minnesota Pollution Control Agency, May 25, 1982.
  - (6) "Request for Authorization to Negotiate and Execute an Amendment to the Current Cooperative Agreement with the U.S. Environmental Protection Agency for Investigation and Remedial Action at the Reilly Tar and Chemical Company Hazardous Waste Site in St. Louis Park," by the Minnesota Pollution Control Agency, November 22, 1983.
  - (7) "Request for Issuance of a Request for Response Action to the Reilly Tar and Chemical Corporation Regarding Contamination At and Around the Reilly Tar Hazardous Waste Site in St. Louis Park," by the Minnesota Pollution Control Agency, December 18, 1974.
- (c) Field investigations and chemical analyses of water and soils. In general, the results of soil borings and water samples are found in the list of reports under section 13(a). (Dates listed usually reflect the time of the investigation.)
- (1) Preliminary soil investigation for the engineering properties of the soil, performed by Soil Engineering Services, Inc., October 13, 1969.
  - (2) Mellon-Rice phenolics data on well water and plant wastewater samples, Carnegie-Mellon University and C.W. Rice Division, NUS, November 2, 1970.
  - (3) Soil sample analyses, Tri-City Public Health Lab, 1971 and 1973.

- (4) Analysis for phenol, phenolics, and PAH from water samples from the St. Louis Park area, by the Minnesota Department of Health, 1973 to present.
- (5) Analysis of soil and water samples for phenols, phenolics, PAH, and metals by Twin Cities Testing and Engineering Laboratory, Inc., and Soil Exploration Company, 1974 to present.
- (6) Analysis of soil and water samples for phenol, phenolics, and PAH by Sanitary Engineering Laboratories, Inc. (SERCO), 1975, 1978 and 1982.
- (7) Soil borings performed by Braun Engineering, 1975, 1979, 1980, and 1982.
- (8) Analyses for PAH in groundwater, by Pace Laboratories, Inc., 1983.
- (9) "Results of Analysis of Water Samples, and Soil Samples for Polynuclear Aromatic Compounds (Hydrocarbons, Azarenes, Phenols)," by Midwest Research Institute, October 7, 1981.
- (10) Analyses for PAH in groundwater, by Capsule Laboratories, Inc., 1981, 1982, and 1983.
- (11) Soil boring and analyses by GCA Corp., 1982 - 1983, reported in "Borehole and Piezometer Installation and Sampling at the Reilly Tar Site" prepared by GCA Corp. for the U.S. EPA, January, 1985.
- (12) Water analyses for PAH by Monsanto Research Corp., 1982-1984.
- (13) Water analyses for metals by Environmental Testing and Certification Corporation, 1983.
- (14) Soil boring and chemical analyses by National Biocentric, Inc., 1976.
- (15) St. Louis Park area water well search and inventory questionnaires, prepared by E.A. Hickok and Associates, Inc., 1982-83.
- (16) Progress reports on the investigation and clean-out of W23 and W105, E.A. Hickok & Associates, Inc., 1982-83.
- (17) Water samples and analyses by CH2M Hill, 1982 and 1983.

CC.

The Parties acknowledge that entry of this Consent Decree by the Court is subject to the requirements of 28 C.F.R. § 50.7, which establishes the policy of the Department of Justice to afford persons who are not named as parties to an action to comment on proposed judgments prior to their entry by the court. Consistent with this policy, the State, prior to entry of judgment of this Consent Decree or some earlier specified date, will receive and consider, and file with the court, any written comments, views or allegations relating to the proposed Consent Decree. Like the Department of Justice, the State reserves the right to withdraw or withhold its consent to the proposed judgment if the comments, views and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate.